



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 287**

1 **AN ACT** *to create* 86.257 of the statutes; **relating to:** transferring ownership and
2 jurisdiction of a highway to an American Indian tribe or agency of the United
3 States government that is acting on behalf of an American Indian tribe.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 86.257 of the statutes is created to read:
5 **86.257 Transfer of highways.** The department or a political subdivision, as
6 defined in s. 86.31 (1) (d), may transfer jurisdiction and ownership of, or other
7 property interest in, a highway that is under the jurisdiction of the department or
8 political subdivision to a federally recognized American Indian tribe or band in this
9 state or an agency of the United States government that is acting on behalf of a

1 federally recognized American Indian tribe or band in this state by entering into a
2 jurisdictional transfer agreement with the tribe or band or agency. The jurisdictional
3 transfer agreement shall contain all of the following:

4 **(1)** A dispute resolution procedure.

5 **(2)** A provision that requires that the transferred highway remain open to the
6 use of the public as a matter of right for the purposes of vehicular traffic unless the
7 tribe or band or agency conducts proceedings, makes findings, and meets other
8 conditions for discontinuation that would be applicable to the governing body of a 1st
9 class city under s. 62.73, if the highway is located in a 1st class city; the governing
10 body of a village or city, except a 1st class city, under s. 66.1003, if the highway is
11 located in a village or city, except a 1st class city; or the governing body of a town
12 under s. 82.10, if the highway is located in a town.

13 **(END)**